

Calendar No. 833

106TH CONGRESS
2D SESSION

H. R. 4613

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Received; read twice and placed on the calendar

AN ACT

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Historic
3 Lighthouse Preservation Act of 2000”.

4 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

5 Title III of the National Historic Preservation Act
6 (16 U.S.C. 470w, 470w–6) is amended by adding at the
7 end the following new section:

8 **“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.**

9 “(a) IN GENERAL.—In order to provide a national
10 historic light station program, the Secretary shall—

11 “(1) collect and disseminate information con-
12 cerning historic light stations, including historic
13 lighthouses and associated structures;

14 “(2) foster educational programs relating to the
15 history, practice, and contribution to society of his-
16 toric light stations;

17 “(3) sponsor or conduct research and study into
18 the history of light stations;

19 “(4) maintain a listing of historic light stations;
20 and

21 “(5) assess the effectiveness of the program es-
22 tablished by this section regarding the conveyance of
23 historic light stations.

24 **“(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—**

25 **“(1) PROCESS AND POLICY.—**Not later than 1
26 year after the date of the enactment of this section,

1 the Secretary and the Administrator shall establish
2 a process and policies for identifying, and selecting,
3 an eligible entity to which a historic light station
4 could be conveyed for education, park, recreation,
5 cultural, or historic preservation purposes, and to
6 monitor the use of such light station by the eligible
7 entity.

8 “(2) APPLICATION REVIEW.—The Secretary
9 shall review all applications for the conveyance of a
10 historic light station, when the agency with adminis-
11 trative jurisdiction over the historic light station has
12 determined the property to be ‘excess property’ as
13 that term is defined in the Federal Property Admin-
14 istrative Services Act of 1949 (40 U.S.C. 472(e)),
15 and forward to the Administrator a single approved
16 application for the conveyance of the historic light
17 station. When selecting an eligible entity, the Sec-
18 retary shall consult with the State Historic Preser-
19 vation Officer of the State in which the historic light
20 station is located.

21 “(3) CONVEYANCE OF HISTORIC LIGHT STA-
22 TIONS.—(A) Except as provided in subparagraph
23 (B), the Administrator shall convey, by quitclaim
24 deed, without consideration, all right, title, and in-
25 terest of the United States in and to the historic

1 light station, subject to the conditions set forth in
2 subsection (c) after the Secretary's selection of an
3 eligible entity. The conveyance of a historic light sta-
4 tion under this section shall not be subject to the
5 provisions of the Stewart B. McKinney Homeless
6 Assistance Act (42 U.S.C. 11301 et seq.) or section
7 416(d) of the Coast Guard Authorization Act of
8 1998 (Public Law 105–383).

9 “(B)(i) Historic light stations located within the
10 exterior boundaries of a unit of the National Park
11 System or a refuge within the National Wildlife Ref-
12 uge System shall be conveyed or sold only with the
13 approval of the Secretary.

14 “(ii) If the Secretary approves the conveyance
15 of a historic light station referenced in this para-
16 graph, such conveyance shall be subject to the condi-
17 tions set forth in subsection (c) and any other terms
18 or conditions the Secretary considers necessary to
19 protect the resources of the park unit or wildlife ref-
20 uge.

21 “(iii) If the Secretary approves the sale of a
22 historic light station referenced in this paragraph,
23 such sale shall be subject to the conditions set forth
24 in subparagraphs (A) through (D) and (H) of sub-
25 section (c)(1) and subsection (c)(2) and any other

1 terms or conditions the Secretary considers nec-
2 essary to protect the resources of the park unit or
3 wildlife refuge.

4 “(iv) For those historic light stations referenced
5 in this paragraph, the Secretary is encouraged to
6 enter into cooperative agreements with appropriate
7 eligible entities, as provided in this Act, to the extent
8 such cooperative agreements are consistent with the
9 Secretary’s responsibilities to manage and admin-
10 ister the park unit or wildlife refuge, as appropriate.

11 “(c) TERMS OF CONVEYANCE.—

12 “(1) IN GENERAL.—The conveyance of a his-
13 toric light station shall be made subject to any con-
14 ditions, including the reservation of easements and
15 other rights on behalf of the United States, the Ad-
16 ministrator considers necessary to ensure that—

17 “(A) the Federal aids to navigation located
18 at the historic light station in operation on the
19 date of conveyance remain the personal prop-
20 erty of the United States and continue to be op-
21 erated and maintained by the United States for
22 as long as needed for navigational purposes;

23 “(B) there is reserved to the United States
24 the right to remove, replace, or install any Fed-
25 eral aid to navigation located at the historic

1 light station as may be necessary for naviga-
2 tional purposes;

3 “(C) the eligible entity to which the his-
4 toric light station is conveyed under this section
5 shall not interfere or allow interference in any
6 manner with any Federal aid to navigation, nor
7 hinder activities required for the operation and
8 maintenance of any Federal aid to navigation,
9 without the express written permission of the
10 head of the agency responsible for maintaining
11 the Federal aid to navigation;

12 “(D) the eligible entity to which the his-
13 toric light station is conveyed under this section
14 shall, at its own cost and expense, use and
15 maintain the historic light station in accordance
16 with this Act, the Secretary of the Interior’s
17 Standards for the Treatment of Historic Prop-
18 erties, 36 CFR part 68, and other applicable
19 laws, and any proposed changes to the historic
20 light station shall be reviewed and approved by
21 the Secretary in consultation with the State
22 Historic Preservation Officer of the State in
23 which the historic light station is located, for
24 consistency with 36 CFR part 800.5(a)(2)(vii),

1 and the Secretary of the Interior's Standards
2 for Rehabilitation, 36 CFR part 67.7;

3 “(E) the eligible entity to which the his-
4 toric light station is conveyed under this section
5 shall make the historic light station available
6 for education, park, recreation, cultural or his-
7 toric preservation purposes for the general pub-
8 lic at reasonable times and under reasonable
9 conditions;

10 “(F) the eligible entity to which the his-
11 toric light station is conveyed shall not sell, con-
12 vey, assign, exchange, or encumber the historic
13 light station, any part thereof, or any associ-
14 ated historic artifact conveyed to the eligible en-
15 tity in conjunction with the historic light station
16 conveyance, including but not limited to any
17 lens or lanterns, unless such sale, conveyance,
18 assignment, exchange or encumbrance is ap-
19 proved by the Secretary;

20 “(G) the eligible entity to which the his-
21 toric light station is conveyed shall not conduct
22 any commercial activities at the historic light
23 station, any part thereof, or in connection with
24 any associated historic artifact conveyed to the
25 eligible entity in conjunction with the historic

1 light station conveyance, in any manner, unless
2 such commercial activities are approved by the
3 Secretary; and

4 “(H) the United States shall have the
5 right, at any time, to enter the historic light
6 station conveyed under this section without no-
7 tice, for purposes of operating, maintaining,
8 and inspecting any aid to navigation and for
9 the purpose of ensuring compliance with this
10 subsection, to the extent that it is not possible
11 to provide advance notice.

12 “(2) MAINTENANCE OF AID TO NAVIGATION.—

13 Any eligible entity to which a historic light station
14 is conveyed under this section shall not be required
15 to maintain any Federal aid to navigation associated
16 with a historic light station, except any private aids
17 to navigation permitted under section 83 of title 14,
18 United States Code, to the eligible entity.

19 “(3) REVERSION.—In addition to any term or
20 condition established pursuant to this subsection, the
21 conveyance of a historic light station shall include a
22 condition that the historic light station, or any asso-
23 ciated historic artifact conveyed to the eligible entity
24 in conjunction with the historic light station convey-
25 ance, including but not limited to any lens or lan-

1 terns, at the option of the Administrator, shall re-
2 vert to the United States and be placed under the
3 administrative control of the Administrator, if—

4 “(A) the historic light station, any part
5 thereof, or any associated historic artifact
6 ceases to be available for education, park, recre-
7 ation, cultural, or historic preservation purposes
8 for the general public at reasonable times and
9 under reasonable conditions which shall be set
10 forth in the eligible entity’s application;

11 “(B) the historic light station or any part
12 thereof ceases to be maintained in a manner
13 that ensures its present or future use as a site
14 for a Federal aid to navigation;

15 “(C) the historic light station, any part
16 thereof, or any associated historic artifact
17 ceases to be maintained in compliance with this
18 Act, the Secretary of the Interior’s Standards
19 for the Treatment of Historic Properties, 36
20 CFR part 68, and other applicable laws;

21 “(D) the eligible entity to which the his-
22 toric light station is conveyed, sells, conveys, as-
23 signs, exchanges, or encumbers the historic
24 light station, any part thereof, or any associ-

1 ated historic artifact, without approval of the
2 Secretary;

3 “(E) the eligible entity to which the his-
4 toric light station is conveyed, conducts any
5 commercial activities at the historic light sta-
6 tion, any part thereof, or in conjunction with
7 any associated historic artifact, without ap-
8 proval of the Secretary; or

9 “(F) at least 30 days before the reversion,
10 the Administrator provides written notice to the
11 owner that the historic light station or any part
12 thereof is needed for national security purposes.

13 “(d) DESCRIPTION OF PROPERTY.—

14 “(1) IN GENERAL.—The Administrator shall
15 prepare the legal description of any historic light
16 station conveyed under this section. The Adminis-
17 trator, in consultation with the Commandant,
18 United States Coast Guard, and the Secretary, may
19 retain all right, title, and interest of the United
20 States in and to any historical artifact, including
21 any lens or lantern, that is associated with the his-
22 toric light station and located at the light station at
23 the time of conveyance. Wherever possible, such his-
24 torical artifacts should be used in interpreting that
25 station. In cases where there is no method for pre-

1 serving lenses and other artifacts and equipment in
2 situ, priority should be given to preservation or mu-
3 seum entities most closely associated with the sta-
4 tion, if they meet loan requirements.

5 “(2) ARTIFACTS.—Artifacts associated with,
6 but not located at, the historic light station at the
7 time of conveyance shall remain the personal prop-
8 erty of the United States under the administrative
9 control of the Commandant, United States Coast
10 Guard.

11 “(3) COVENANTS.—All conditions placed with
12 the quitclaim deed of title to the historic light sta-
13 tion shall be construed as covenants running with
14 the land.

15 “(4) SUBMERGED LANDS.—No submerged
16 lands shall be conveyed under this section.

17 “(e) DEFINITIONS.—For purposes of this section:

18 “(1) ADMINISTRATOR.—The term ‘Adminis-
19 trator’ shall mean the Administrator of General
20 Services.

21 “(2) HISTORIC LIGHT STATION.—The term
22 ‘historic light station’ includes the light tower, light-
23 house, keepers dwelling, garages, storage sheds, oil
24 house, fog signal building, boat house, barn, pump-
25 house, tramhouse support structures, piers, walk-

1 ways, underlying and appurtenant land and related
2 real property and improvements associated there-
3 with; provided that the ‘historic light station’ shall
4 be included in or eligible for inclusion in the Na-
5 tional Register of Historic Places.

6 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ shall mean:

8 “(A) any department or agency of the Fed-
9 eral Government; or

10 “(B) any department or agency of the
11 State in which the historic light station is lo-
12 cated, the local government of the community
13 in which the historic light station is located,
14 nonprofit corporation, educational agency, or
15 community development organization that—

16 “(i) has agreed to comply with the
17 conditions set forth in subsection (c) and
18 to have such conditions recorded with the
19 deed of title to the historic light station;
20 and

21 “(ii) is financially able to maintain the
22 historic light station in accordance with
23 the conditions set forth in subsection (c).

24 “(4) FEDERAL AID TO NAVIGATION.—The term
25 ‘Federal aid to navigation’ shall mean any device,

1 operated and maintained by the United States, ex-
2 ternal to a vessel or aircraft, intended to assist a
3 navigator to determine position or safe course, or to
4 warn of dangers or obstructions to navigation, and
5 shall include, but not be limited to, a light, lens, lan-
6 tern, antenna, sound signal, camera, sensor, elec-
7 tronic navigation equipment, power source, or other
8 associated equipment.

9 “(5) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of the Interior.”.

11 **SEC. 3. SALE OF HISTORIC LIGHT STATIONS.**

12 Title III of the National Historic Preservation Act
13 (16 U.S.C. 470w, 470w–6), as amended by section 2 of
14 this Act, is amended by adding at the end the following
15 new section:

16 **“SEC. 309. HISTORIC LIGHT STATION SALES.**

17 “(a) IN GENERAL.—In the event no applicants are
18 approved for the conveyance of a historic light station pur-
19 suant to section 308, the historic light station shall be of-
20 fered for sale. Terms of such sales shall be developed by
21 the Administrator of General Services and consistent with
22 the requirements of section 308, subparagraphs (A)
23 through (D) and (H) of subsection (c)(1), and subsection
24 (c)(2). Conveyance documents shall include all necessary
25 covenants to protect the historical integrity of the historic

1 light station and ensure that any Federal aid to navigation
2 located at the historic light station is operated and main-
3 tained by the United States for as long as needed for that
4 purpose.

5 “(b) NET SALE PROCEEDS.—Net sale proceeds from
6 the disposal of a historic light station—

7 “(1) located on public domain lands shall be
8 transferred to the National Maritime Heritage Grant
9 Program, established by the National Maritime Her-
10 itage Act of 1994 (Public Law 103–451) within the
11 Department of the Interior; and

12 “(2) under the administrative control of the
13 Coast Guard shall be credited to the Coast Guard’s
14 Operating Expenses appropriation account, and shall
15 be available for obligation and expenditure for the
16 maintenance of light stations remaining under the
17 administrative control of the Coast Guard, such
18 funds to remain available until expended and shall
19 be available in addition to funds available in the Op-
20 erating Expense appropriation for this purpose.”.

1 **SEC. 4. FUNDING.**

2 There are hereby authorized to be appropriated to the
3 Secretary of the Interior such sums as may be necessary
4 to carry out this Act.

Passed the House of Representatives September 26,
2000.

Attest:

JEFF TRANDAHL,
Clerk.

Calendar No. 833

106TH CONGRESS
2D SESSION

H. R. 4613

AN ACT

To amend the National Historic Preservation Act
for purposes of establishing a national historic
lighthouse preservation program.

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Received; read twice and placed on the calendar